

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-091735

05/21/2003

HEARING OFFICER NANCY BODINET

CLERK OF THE COURT
P. Odell
Deputy

FILED: 05/29/2003

IN RE THE MARRIAGE OF
LINDA KAY HAMEL

MARY ANN HESS

AND

BRET JAMES HAMEL

C ROBERT COLLINS

AG-CHILD SUPPORT
CRAIG A. REINMUTH
8129 N. 87TH PL
SCOTTSDALE AZ 85251

MINUTE ENTRY

1:33 p.m. This is the time set for Telephonic Status Conference. Petitioner, Linda Kay Hamel, is not present, but is represented by above-named counsel. Respondent, Bret James Hamel, is not present but is represented by above named counsel.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

This matter was set on the Court's calendar upon receipt of Father's notice of filing Chapter 7 bankruptcy.

The Court notes that a Petition for Special Action was filed with respect to the Court's ruling on Mr. Collins continued representation of Father in this matter. The Court notes that Certification of Counsel submitted allows Mr. Collins to continue to represent Father in this matter.

Discussion is held.

Notwithstanding the bankruptcy,

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THE COURT FINDS that it has jurisdiction to consider this matter for purposes of Trial on the issues of custody, access, parenting time, spousal maintenance and support.

Father's Motion to Modify Temporary Orders and Mother's Motion to Dismiss have been considered by the Court.

IT IS ORDERED denying Mother's Motion to Dismiss.

IT IS FURTHER ORDERED Father's Motion to Modify Temporary Orders filed in April 2003 will abide final Trial in this matter.

For reasons set forth on the record, the Court will not consider any contempt petition filed by Mother relating to the support and spousal maintenance obligation without also considering the motion to modify temporary orders.

IT IS FURTHER ORDERED directing the Special Master to take no further action in this matter pending further order of the Court.

For reasons set forth on the record,

IT IS ORDERED vacating Trial set for June 23 through June 27, 2003 at 8:30 a.m.

IT IS FURTHER ORDERED setting **Evidentiary Hearing on June 25, 2003 at 9:00 a.m. (6 hours)** before Judge Willrich, 222 East Javelina Drive, Courtroom 304, Mesa, AZ, for the purpose of considering the custody evaluation that has been completed pursuant to the prior order of the Court.

Due to judicial rotation, Judge Talamante's Family Court calendar will be assumed by Judge Willrich effective June 23, 2003. The parties should contact the assigned division one week prior to the scheduled hearing to confirm the hearing location.

Both parties have advised the Court they have been provided with a copy of the custody evaluation.

The parties are further advised that further argument will be heard at the June 25, 2003 hearing as to when to set this matter for final Trial.

IT IS FURTHER ORDERED counsel for both parties shall exchange lists of witnesses and exhibits and actual exhibits no later than **5 days** before the hearing. Any exhibits or witnesses disclosed after said date shall be excluded.

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Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

Counsel shall call the division clerk at least **3 business days** before the hearing to make arrangements for marking exhibits. Counsel shall also be prepared to offer someone to assist the clerk in listing and tagging exhibits if the clerk determines that help is needed. The exhibits will be marked serially as they are listed in the pretrial statement-plaintiff's first, defendant's second. Please advise the clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

2:13 p.m. Matter concludes.